IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 6464
Andrew G. Tucker, et al.	Group Art Unit No.: 2132
Serial No.: 10/763,147	Examiner: Perungavoor, Venkatanaray
Filed: January 21, 2004	
For: GLOBAL VISIBILITY CONTROLS FOR OPERATING SYSTEM PARTITIONS	

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In the Final Office Action mailed on November 15, 2007, the Examiner rejected

all of the pending claims based upon various references. Applicants believe that these

rejections were clearly not proper and without basis. Thus, Applicants are hereby

requesting that these rejections be reviewed and withdrawn.

REJECTIONS UNDER 35 U.S.C. §102

In the Final Office Action, the Examiner rejected claims 1-5, 10, 13-17, 22, 25,

and 27 under 35 U.S.C. §102(e) as being anticipated by Ellison et al. (U.S. Patent No.

6,663,963, hereinafter, Ellison). These claims include four independent claims: claims 1,

13, 25, and 27. Claim 1 is reproduced below.

1. A method comprising:
   establishing a global zone, wherein the global zone is a global operating system
      environment that can support execution of one or more processes;

establishing a non-global zone within the global zone, wherein the non-global zone is a partition of the global operating system environment, wherein the non-global zone operates as a separate and distinct operating system environment, and wherein the non-global zone can support execution of one or more processes;

isolating a first process executing within the non-global zone to the non-global zone so that the first process does not have visibility or access to processes and objects that are not associated with the non-global zone;

permitting a second process executing within the global zone to have visibility and access to processes and objects associated with the global zone; and

permitting the second process executing within the global zone to have access to processes and objects associated with the non-global zone, if the second process has a privilege to cross zone boundaries. (Emphasis added)

As indicated by the above underlining, claim 1 specifically recites that a first process executing within the non-global zone is isolated to the non-global zone. By doing so, the method of claim 1 prevents the first process from having visibility or access to processes and objects that are not associated with the non-global zone. At least this aspect of claim 1 is not disclosed or suggested by Ellison.

In the Final Office Action, the Examiner interpreted the normal execution environment (see Fig. 1A of Ellison) and the isolated execution environment of Ellison as the global zone recited in claim 1, and interpreted the isolated execution environment of Ellison as the non-global zone recited in claim 1. The Examiner contended that, under this interpretation, Ellison teaches all of the limitations of claim 1, including the "isolating" limitation discussed above. Applicants respectfully disagree.

If the isolated execution environment of Ellison is interpreted as the non-global zone of claim 1, then in order for the "isolating" limitation of claim 1 to be met, Ellison would have to show that the processes executing within the isolated execution environment are isolated to that environment so that they do not have visibility or access to processes and objects that are not within the isolated execution environment. Put another way, Ellison would have to show that the processes (such as OS nub 16, processor nub 18, and applets 46_1-46_K of Fig. 1A) that are executing within the isolated

execution environment are prevented from having visibility or access to processes and objects (such as primary OS 12, software drivers 13, hardware drivers 14, and applications 42_1-42_N) that are in the normal execution environment. There is no such teaching in Ellison. <u>In fact, Ellison teaches the opposite</u>.

In Col. 6, lines 47-52, Ellison specifically states that the OS nub 16 and the processor nub 18 (both of which are processes executing within the isolated execution environment) <u>can access</u> the non-isolated memory area 80 (see Fig. 1B of Ellison), including the application pages 82 (<u>which contain data for the applications 42_1-42_K in the normal execution environment</u>) and the OS pages 84 (<u>which contain data for the primary OS 12, the software drivers 13, and the hardware drivers 14, all of which are in the normal execution environment</u>). This excerpt further states that the applets 46_1-46_K in the isolated execution environment <u>can access</u> the application pages 82, <u>which contain data for the applications 42_1-42_K in the normal execution environment</u>. Thus, from this excerpt, it is abundantly clear that the processes executing in the isolated execution environment <u>can access</u> the memory pages used by the processes executing in the normal execution environment. This in turn means that <u>the processes executing in the isolated execution environment have visibility and access to the processes and objects in the normal execution environment</u>. Thus, in sharp contrast to the method of claim 1, in which the first process is <u>isolated</u> to the non-global zone so that the first process does not have visibility or access to processes and objects that are not associated with the non-global zone, <u>the processes in the isolated execution environment of Ellison are not isolated</u>, but rather, <u>can view and access</u> the processes and objects in the normal execution environment. There is nothing in Ellison that discloses or suggests that the processes executing in the isolated execution environment are prevented from viewing or accessing the processes and objects in the normal execution environment. Without such

teaching, Ellison cannot possibly disclose or suggest the "isolating" limitation of claim 1. Because Ellison fails to disclose or suggest at least this aspect of claim 1, Applicants respectfully submit that the rejection of claim 1 based upon Ellison is clearly not proper and without basis.

Independent claim 13 is a computer readable storage medium counterpart of method claim 1. Independent claim 25 is an apparatus counterpart of method claim 1, and independent claim 27 is a system counterpart of method claim 1. All of these independent claims include some form of the "isolating" limitation discussed above with respect to claim 1. Applicants submit that the rejection of these claims based upon Ellison is also clearly not proper and without basis for at least the reasons given above in connection with claim 1.

Dependent claims 2-5 and 10 depend from claim 1, and dependent claims 14-17 and 22 depend from claim 13. Applicants submit that the rejection of these claims based upon Ellison is also clearly not proper and without basis for at least the reasons given above in connection with the corresponding independent claims 1 and 13.

REJECTIONS UNDER 35 U.S.C. §103

In the Final Office Action, the Examiner rejected claims 6-9 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Ellison in view of Merkling et al. (U.S. Patent No. 5,841,869, hereinafter, Merkling).

It is noted that claims 6-9 depend from claim 1 and claims 18-21 depend from claim 13. Thus, if it is shown that Ellison and Merkling, taken in combination, fail to disclose or suggest the invention as claimed in claims 1 and 13, then it logically follows that Ellison and Merkling also fail to disclose or suggest the invention as claimed in claims 6-9 and 18-21.

As argued above, Ellison taken individually fails to disclose or suggest at least the "isolating" aspect of claims 1 and 13. This same aspect of claims 1 and 13 is also not disclosed or suggested by Merkling. In fact, the Examiner has made no allegation that Merkling teaches this aspect of claims 1 and 13. Since neither reference discloses or suggests at least this aspect of claims 1 and 13, even if the references were combined (assuming for the sake of argument that it would have been obvious to combine the references), they still would not yield the invention as claimed in claims 1 and 13. Accordingly, Applicants respectfully submit that Ellison and Merkling, taken in combination, fail to disclose or suggest the invention as claimed in claims 1 and 13. That being the case, it logically follows that Ellison and Merkling also fail to disclose or suggest the invention as claimed in dependent claims 6-9 and 18-21. Hence, Applicants respectfully submit that the rejection of claims 6-9 and 18-21 based upon Ellison and Merkling is clearly not proper and without basis.

CONCLUSION

As made clear by the above arguments, the rejections made in the Final Office Action mailed on November 15, 2007, are clearly not proper and without basis. Hence, Applicants respectfully request that these rejections be reviewed and withdrawn. Applicants further request that a Notice of Allowance be issued.

Respectfully submitted,

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